



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,321	11/24/1999	GREGG A. BONIKOWSKI	XER20308-D/9	6134

7590

08/15/2003

ALBERT P SHARPE III ESQ
FAY SHARPE FAGAN MINNICH & MCKEE LLP
1100 SUPERIOR AVENUE
7TH FLOOR
CLEVELAND, OH 441142518

EXAMINER

FOSTER, JUSTIN B

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 08/15/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/449,321

Applicant(s)

BONIKOWSKI ET AL.

Examiner

Justin Foster

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to for the following reasons. The abstract is written in two paragraphs rather than the required single paragraph. Furthermore, the abstract lists several numbers that do not make sense as written. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: Element 216 of figures 3 and 4 is not described in the specification.

4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2624

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gauronski, *et al.* (5,164,842). Gauronski discloses a method for producing interrupting jobs for a document processing apparatus comprising a plurality of machine modules for processing and/or producing printed media; see figures 1-3 for a depiction of said apparatus. The method disclosed by Gauronski comprises the following steps, which are the same as the steps of the claimed invention. The main job is specified, as described in lines 65 of column 5 through 4 of column 6, where disclosed Job Scorecard of said main job inherently represents a measure of progress. The production of the main job is started as described in lines 22 through 31 of column 6. The requesting of an interrupt job is described in lines 66-68 of column 6 where the disclosed proof prints are inherently an interrupting job. The interrupting of the main job is described in lines 35 through 52 of column 7. The interrupting job is produced, as described in lines 53 through 60 of column 7. Lastly, the main job is resumed, as described in lines 4 through 9 of column 8.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski in view of Willard, *et al.* (3,936,180). Gauronski discloses the invention as stated in claim 1. Gauronski does not disclose the interrupting job further comprising a sample job comprising a component part of the main job. Willard teaches, in lines 60 of column 1 through 12 of column 2, a mode of

Art Unit: 2624

operation for a printer where a currently running main print job is interrupted in order for a sample page of said print job to be sent to a sample print tray and then and the main job is restarted. This is equivalent to specifying an interrupting job that is a sample job comprising a component part of the main job. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gauronski so that the interrupting job was specified as a sample job comprising a component part of the main job. This would permit the printing system to be periodically monitored to test the printing quality of the image creating elements.

9. Claims 3-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski in view of Willard in further view of Austin, *et al.* (5,488,223). With regard to claim 3, Gauronski in view of Willard discloses the invention as stated in claim 2. Willard further teaches, in lines 60 of column 1 through 12 of column 2, a mode of operation for a printer where a currently running main print job is interrupted in order for a sample page of said print job to be sent to a sample print tray and then and the main job is restarted. Said sample page is inherently a representative part of the main job to be sampled. Austin teaches, in lines 26-32 of column 10, that a sample can be output at predetermined intervals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify representative parts of the main job to be sampled and to specify a sample interval for each specified representative part. This would permit the printing system to be periodically monitored to test the printing quality of the image creating elements.

10. With regard to claim 4, Gauronski in view of Willard in further view of Austin discloses the invention as stated in claim 3. Austin's disclosure of outputting a sample at a predetermined interval inherently includes the step of measuring the interval for the sample, or representative

Art Unit: 2624

part and determining if the interval has elapsed since this is a necessary step to outputting a sample at a predetermined interval. Willard's disclosure of printing a sample page inherently includes the step of generating a sample job since this is necessary in order to print the sample page. It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the interval for each specified representative part, determine if the specified sample interval has elapsed for any of the specified representative parts and if it has to generate a sample job specification corresponding to the representative part for which the interval has elapsed. This would permit the printing system to be periodically monitored to test the printing quality of the image creating elements.

11. With regard to claim 5, Gauronski in view of Willard in further view of Austin discloses the invention as stated in claim 4. Austin further discloses, in lines 31-32 of column 10, the specification of a sample interval "such as every tenth output image". It would have been obvious to one of ordinary skill in the art at the time the invention was made to measure the sample interval in the number of copies produced in the main job. This would allow for print quality to be periodically checked without printing an excessive number of sample jobs.

12. With regard to claim 6, Gauronski in view of Willard in further view of Austin discloses the invention as stated in claim 4. Austin further discloses, in lines 30-31 of column 10, the sample interval as being measured "at predetermined periods of time, such as every five minutes". It would have been obvious to one of ordinary skill in the art at the time the invention was made for the interval to be measured in main job run time. This would allow for the sample jobs not to be output more frequently than is necessary.

Art Unit: 2624

13. With regard to claim 10, Gauronski discloses, in a document processing apparatus including a plurality of machine modules that process and/or produce printed media, a method comprising the following steps. The step of specifying a job is disclosed in lines 54 of column 5 through 4 of column 6. The step of producing the job is disclosed in lines 22-31 of column 6. The step of generating an interrupting job description is disclosed in lines 66 of column 6 through 16 of column 7. The steps of presenting the interrupting job description for processing and analyzing the interrupting job description are inherent in the process of creating and printing an interrupting job. The step of determining an efficient point in the job to produce the samples is disclosed in lines 35-52 of column 7. The step of interrupting the main job at an efficient point is disclosed in lines 53-57 of column 7. The step of processing the interrupting job description to produce the sample is disclosed in lines 57-60 of column 7. The step of resuming the main job is disclosed in lines 4-9 of column 8. Gauronski does not disclose the steps of specifying which parts are representative, specifying a sample interval for each of the representative parts of the job, and measuring intervals for each of the specified representative parts. Willard teaches, in lines 60 of column 1 through 12 of column 2, a mode of operation for a printer where a currently running main print job is interrupted in order for a sample page of said print job to be sent to a sample print tray and then the main job is restarted. Said sample page is inherently a representative part of the job and its selection for printing is inherently the specification of which parts of the job are representative. It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify which parts of a job are representative in order to only print said representative parts. Austin teaches, in lines 26-32 of column 10, that an output can be sampled at a predetermined sample interval. It would have been obvious to one of

Art Unit: 2624

ordinary skill in the art at the time the invention was made to specify a sample interval for each of the representative parts of the job and to measure intervals for each of the specified representative parts and generate the interrupting job when a particular interval is reached. This would allow for the sample job to be printed only as often as was desired by the user.

14. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski in view of Yamaguchi (5,832,301). With regard to claim 7, Gauronski discloses the invention as stated in claim 1. Gauronski does not disclose the step of specifying an interrupting job of high priority before the step of requesting an interrupting job. Yamaguchi teaches, in lines 45-52 of column 8, the transmission of a priority level along with a print job. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gauronski to specify an interrupting job of high priority before the step of requesting an interrupting job. This would allow for an assessment by the printer of the priority of received print jobs so that they can be ordered accordingly.

15. With regard to claim 8, Gauronski in view of Yamaguchi discloses the invention as stated in claim 7. Yamaguchi teaches in lines 41 of column 8 through 44 of column 11, assessing the priority level of the interrupting job and if the priority level of the interrupting job is higher than the priority level of the main job, proceeding to the step of interrupting. It would have been obvious to one of ordinary skill in the art at the time the invention was made to assess the priority level of an incoming interrupting job and interrupt the main job if the priority level of the interrupting job was higher than the priority level of the main job. This would prevent a main job from being interrupted when its priority was higher than that of an interrupting job.

Art Unit: 2624

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski in view of Van Lydegraf (6,011,940). Gauronski discloses the invention as stated in claim 1. Van Lydegraf teaches, in lines 13-25 of column 3, the use of an exit system wherein an interrupting job is output to a different exit port than an interrupted main job. This would deliver the interrupting job at a convenient location apart from the main job delivery location. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gauronski so that the interrupting job was delivered at a convenient location apart from the main job delivery location. This would allow for interruption of a long print job to process an interrupting job without mixing the pages produced therefrom.

17. Claims 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster, *et al.* (5,559,606) in view of Van Lydegraf. With regard to claim 11, Webster discloses, in figure 11, a document processing apparatus comprising a plurality of machine modules, elements 214, 216, 218 and 220, in communication with each other through mark facility controller 212 for processing and/or producing printed media. Said controller, element 212, is inherently a computing platform in communication with the plurality of machine modules for controlling and orchestrating the activities of the modules. Webster does not teach a plurality of document collection points with at least one document collection point designated as an interrupting job delivery point. Van Lydegraf teaches, in lines 13-25 of column 3, the use of an exit system wherein an interrupting job is output to a different exit port than an interrupted main job. This inherently implies two document collection points with one collection point being used as an interrupting job delivery point. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webster to include a plurality of document

Art Unit: 2624

collection points attached to at least one of the machine modules with at least one collection point designated as an interrupting job delivery point. This would allow for interruption of a long print job to process an interrupting job without mixing the pages produced therefrom.

18. With regard to claim 13, Webster discloses, in figure 11, a document processing apparatus comprising a plurality of machine modules, elements 214, 216, 218 and 220, in communication with each other through mark facility controller 212 for processing and/or producing printed media. Said controller, element 212, is inherently a computing platform in communication with the plurality of machine modules for controlling and orchestrating the activities of the modules. Webster further discloses one machine module, element 218, as being a feeder device and one machine module, element 220, as being a finishing device. Webster does not teach a plurality of document collection points with at least one document collection point designated as an interrupting job delivery point. Van Lydegraf teaches, in lines 13-25 of column 3 the use of an exit system wherein an interrupting job is output to a different exit port than an interrupted main job. This inherently implies two document collection points with one collection point being used as an interrupting job delivery point. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webster to include a plurality of document collection points attached to at least one of the machine modules with at least one collection point designated as an interrupting job delivery point. This would allow for interruption of a long print job to process an interrupting job without mixing the pages produced therefrom.

19. With regard to claim 14, Webster discloses, in figure 11, a document processing apparatus comprising a plurality of machine modules, elements 214, 216, 218 and 220, in

Art Unit: 2624

communication with each other through mark facility controller 212 for processing and/or producing printed media. Said controller, element 212, is inherently a computing platform in communication with the plurality of machine modules for controlling and orchestrating the activities of the modules. Webster further discloses one machine module, element 216, as being a marker. Said marker inherently acts as a print engine. Webster does not teach a plurality of document collection points with at least one document collection point designated as an interrupting job delivery point. Van Lydegraf teaches, in lines 13-25 of column 3 the use of an exit system wherein an interrupting job is output to a different exit port than an interrupted main job. This inherently implies two document collection points with one collection point being used as an interrupting job delivery point. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webster to include a plurality of document collection points attached to at least one of the machine modules with at least one collection point designated as an interrupting job delivery point. This would allow for interruption of a long print job to process an interrupting job without mixing the pages produced therefrom.

20. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Lydegraf in further view of Gauronski. Webster in view of Lydegraf discloses the invention as stated in claim 11. Webster further teaches the use of a mark facility controller as the computing platform controlling the machine modules. Webster does not teach the use of a digital front end in communication with said mark facility controller. Gauronski teaches, as shown in figure 1, elements 52, 62, 64 and 66, the use of a digital front end to the printing system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a digital front end in communication with the mark facility controller of

Art Unit: 2624

Webster as the computing platform controlling the machine modules. This would allow for ease of entry of print information by the operator.

Conclusion

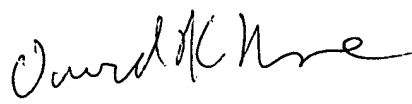
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gauronski, *et al.* (5,206,735), Debes, *et al.* (5,970,223), Farrell, *et al.* (5,245,368).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Foster whose telephone number is (703)305-1900. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (703)308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5397 for regular communications and (703)308-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

JF
August 11, 2003


DAVID MOORE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.